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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/652,750	08/31/2000	Robert T. Baum	Bell-29	3522

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EXAMINER

NGUYEN, PHUONGCHAU BA

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 08/13/2003

18

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/652,750

Applicant(s)

BAUM ET AL.

Examiner

Phuongchau Ba Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6-3-2003 amendment.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-15 and 20-30 is/are allowed.
- 6) ☐ Claim(s) 1-8, 16-19 and 31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections – 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1–2, 5–6, 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Yacoby (5,088,090).

Regarding claims 1, 5:

Yacoby discloses determining whether or not the packet is entitled to access a particular service using at least a portion of the unique bit string {fig.2, source routing identifier}, wherein the unique bit string is independent from layer 2 destination address {fig.2, destination address}; and if it is determined that the packet is entitled to access the particular service, then routing the packet {col.5, lines 49–59}.

Regarding claims 2 and 6:

Yacoby further discloses wherein at least a portion of the unique bit string represents one of a number of logical interfaces {col.1, lines 53-59}

Regarding claim 31:

Yacoby further discloses determining whether or not the packet is entitled to access a particular service (e.g., use source routing technique or transparent technique, fig.3) using at least a portion of the unique bit string is a separate determination from determining whether or not the packet can be forward.

Claim Rejections – 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 3-4, 7-8, 16, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yacoby (5,088,090) in view of Allan (5,946,313).

Regarding claims 3 and 7:

Yacoby does not explicitly disclose the claimed invention. However, in the same field of endeavor, Allan discloses wherein at least a portion of the unique bit string corresponds to a virtual private network-organizational universal identifier {source MAC (ID field 42), fig.1c}. Therefore, it would have been obvious to an artisan to apply Allan's teaching into Yacoby's system with the motivation being to uniquely identify the manufacturing organization that manufactures that equipment.

Regarding claims 4 and 8:

Yacoby does not explicitly disclose the claimed invention. However, in the same field of endeavor, Allan discloses wherein at least a portion of the unique bit string corresponds to a virtual private network-INDEX {source MAC (ID field 44), figs.1c, 3a-b, and 6a}. Therefore, it would have been obvious to an

artisan to apply Allan's teaching into Yacoby's system with the motivation being to uniquely identify the manufacturing organization that manufactures that equipment.

Regarding claims 16 and 18:

Yacoby does not explicitly disclose the claimed features. Allan further discloses wherein the layer 2 header is an Ethernet header (fig.1 c), wherein when the unique bit string replaces the at least a part of the layer 2 header a modified header is generated, and wherein a bit-size of the modified header is the same as that of the Ethernet header {Allan, col.6, lines 61-64}. Therefore, it would have been obvious to an artisan to apply Allan's teaching of Ethernet header with OUI at MAC source into Yacoby's layer 2 header and the motivation being to show the structure of the frame format of Ethernet header (layer 2 header) in the Ethernet network.

5. Claims 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yacoby (5,088,090) in view of Gage (,035,405).

Regarding claims 17 and 19:

Yacoby does not explicitly disclose the claimed invention. However, in the same field of endeavor, Gage further discloses wherein at least a portion of the unique bit string represents a logical port identifier {col.1, line 43} including a geographic location identifier and a physical unit identifier {col.1, lines 45-48, 54-61}. Therefore, it would have been obvious to an artisan to apply Gage's teaching to Yacoby's system with the motivation being to determine where the end station in the VLAN.

Allowable Subject Matter

6. Claims 9-15, 20-30 are allowable over the prior art of the record.

Response to Arguments

7. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Phuongchau Ba Nguyen** whose

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telephone number is 703-305-0093. The examiner can normally be reached on Monday-Friday from 10:00 a.m. to 3:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 703-308-6602. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.



Phuongchau Ba Nguyen
Examiner
Art Unit 2665

August 10, 2003.


